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REMARKS

This response is intended as a full and complete response to the final Office Action mailed February 11, 2005. In the Office Action, the Examiner notes that claims 1-56 are pending and rejected. By this response, Applicants have amended claims 1, 2, 53, and 56 and canceled claim 13.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are non-enabling or obvious under the respective provisions of 35 U.S.C. §112 and §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §112

Claim 2

The Examiner has rejected claim 2 under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner finds that there is insufficient antecedent basis for the limitation "establishing a contract at the point of service." The Applicants respectfully traverse the Examiner's rejection.

The Applicants have amended claim 2 to recite establishing a contract at the first point of service." Therefore, the Applicants submit that claim 2 now has proper antecedent basis. The Applicant respectfully requests that the Examiner's objection to claim 2 should be withdrawn because claim 2 as it stands fully satisfies the requirements of 35 U.S.C. §112 and is patentable thereunder.

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35 U.S.C. §103

Claims 1-56

The Examiner has rejected claims 1-56 as being obvious and unpatentable under the provisions of 35 U.S.C. §103(a). In particular, the Examiner has rejected claims 1-56 as being unpatentable over U.S. Patent 6,128,601 to Van Horne et al. (hereinafter "Van Horne") in view of U.S. Patent Publication US2002/0019875 to Garrett et al. (hereinafter "Garrett") and in view of U.S. Patent 6,023,499 to Mansey et al. (hereinafter "Mansey"). The Applicants respectfully traverse the rejection.

Applicants' independent claims 1 and 53 recite:

"1. A method for providing client access to the Internet or other network, comprising:

 offering, at a first point of service, a Local Area Network (LAN) connected to the Internet or other network;

 connecting at least one client computer to said LAN;

 configuring networking parameters of each of said at least one client computer;

 establishing a secure tunnel between the service provider and each of said at least one client computer, such that the service provider provides Internet or other network service through the secure tunnel to only each one of said at least one client computer;

 negotiating, at the first point of service, the network usage terms and prices with each one of said at least one client computer; and

providing the Internet or other network service at the first point of service to each one of the at least one client computer in accordance with the network usage terms and prices via a second point of service associated with the service provider, wherein a service provider that provides the client access obtains access services from another service provider." (emphasis added).

"53. A method for providing metered access to the Internet, comprising:

 accessing, via a local area network (LAN), the Internet, utilizing a first point-of-access of a service provider;

 establishing a secure tunnel with said service provider by exchanging authentication certificates with said first point-of-access of said service provider;

 negotiating network usage terms for Internet Access with said service provider at said first point of access; and

 accessing said Internet from said service provider according to said negotiated usage terms via a second point of access of said service provider coupled between said first point of access and the Internet.

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wherein a service provider that provides the client access obtains access services from another service provider." (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Van Horne, Garrett and Mansey singly and in combination fail to teach or suggest the Applicants' invention as a whole.

In particular, the Van Horne reference discloses connecting a plurality of client systems to a server system via access ports and associated communications linkages and providing electronic communications network access for the client systems through the server system. One common means is via an Internet service provider (ISP), who provides access to the Internet for individual users. The ISP system, in turn is connected to the Internet, typically via high-speed communications line to an internet setter such as the nearest super computer center forming part of the back bone of the Internet (see Van Horne, Col. 1, Lines 21-42, and Col. 4, Lines 10-24).

The Van Horne reference further discloses remote access to such intranets and WANs typically is accomplished using a dial-up connection (discussed in more detail below) in conjunction with specialized communications software such as the Remote Access, Wildcat! or Procomm software packages. (see Van Horne, Col. 1, Lines 56-60). Further, in hotels, for example, telephone jacks typically are provided for telephonic connections. Typically, the user must run a telephone wire from the telephone jack provided by the hotel to another telephone jack in a portable computer or personal communicator. The hotel's telephone wiring and switchboard system is then accessed to establish a telephone communications link to the telephone network, which in turn routes a telephone call through to an ISP, OSP or other communications network portal. (see Van Horne, Col. 2, Lines 30-40).

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Garrett discloses the use of point-to-point tunnels between customers and their selected service/service providers. The point-to-point protocol is used to both encapsulate traffic and provide initialization in authentication procedures analogous to those used with dial up access (see Garrett, Page 3, Paragraph 0020).

The Mansey reference discloses "for the present invention, the standard intelligent peripheral 14 has been enhanced with the addition of a conventional web server 26 to interface the intelligent peripheral to the Internet 30. This allows personal computers 32 and 33 connected to the Internet to access the intelligent peripheral 14 to set up different enhanced voice service. With respect to the present invention, a customer can setup a conference call via the Internet and during the call receive real-time billing information on a personal computer 32. The software for implementing the present billing technique is stored within the components of the intelligent peripheral 14. The present billing technique is best understood in the context of an automated conference call, one that is established and managed without requiring intervention by a human operator. Nevertheless, one skilled in the art will understand and appreciate that the present billing techniques can be applied to other forms of enhanced voice service and even other types of communication networks than just telephone systems" (see Mansey, Col. 3, Line 55 to Col. 4, Line 5).

Even if the three references could somehow be operably combined, the combination would disclose providing point-to-point tunnels between the client devices and the service providers, which provide access to the Internet. That is, the combined references merely disclose providing connectivity to an end user via a first access point that establishes connectivity to a second access point, which further provides connectivity to the internet. Nowhere in the combined reference is there any teaching or suggestion that the first access point is associated with a first service provider and the second access point is associated with a second service provider. Rather, the combined references disclose that an internet service provider (ISP) or an online service provider (OSP) provide access to an electronic communications network. It is further noted that the service provider associated with the first point of service negotiates the network usage terms and prices and establishes a secure tunnel to the

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client computer. Moreover the first service provider associated with the first point of services obtains access services from another service provider.

Thus, the combined references are completely silent with respect to a user obtaining internet services from a first access point associated with a first service provider and a second access point associated with a second service provider, ~~wherein~~ the first and second service providers are different entities. That is, nowhere in the combined references is there any teaching or suggestion of "providing the Internet or other network service at the first point of service to each one of the at least one client computer in accordance with the network users terms and prices via a second point of service associated with the service provider, wherein a service provider that provides the client access obtains access services from another service provider."

Referring to FIG. 2 of the Applicant's invention, the micro service provider router/server 220 connects the LAN 222 of the micro service provider 204 to a conventional service provider POP 106 via a shared access link 206. The shared access link 206 typically has high bandwidth and may be, e.g., a digital subscriber line (DSL), D1 or cable (see Applicant's specification, page 6, Lines 23-27 and FIG. 2). Since the cited references fail to teach or suggest a first and second point-of-service associated with the service provider, wherein a service provider that provides the client access obtains access services from another service provider, the combined references fail to teach or suggest the Applicants' invention as a whole.

Therefore, Van Horne, Garrett and Mansey singly and in combination fail to teach or suggest the Applicants' invention as claimed in independent claims 1 and 53. Furthermore, claims 2-52 and 54-56 depend directly or indirectly from independent claims 1 and 53 and recite additional features thereof. As such and for at least the same reasons as discussed above, the Applicants submit that these dependent claims are not obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, the Applicants respectfully submit that the Examiner's rejection of claims 1-56 should be withdrawn.

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THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, the Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

CONCLUSION

Thus, the Applicants submit that all of the claims presently in the application, are enabling and non-obvious and patentable under the respective provisions of 35 U.S.C. §112 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/8/05

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